

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shannon Tyrone Craig,

Case No. 19-cv-1208 (JNE/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Hennepin County Sheriff,

Defendant.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court pursuant to a general assignment made in accordance with the provision of 28 U.S.C. § 636

In an Order dated June 7, 2019, this Court denied Plaintiff, Shannon Tyrone Craig's, application to proceed in forma pauperis ("IFP") on the grounds that Plaintiff was ineligible to proceed IFP upon having incurred three or more "strikes" for purposes of 28 U.S.C. § 1915(g). (See, Order [Docket No. 6]). Craig was given until July 7, 2019, to pay the required filing fee for this matter and proceed as a non-IFP litigant. Plaintiff was cautioned that if he failed to comply with the Court's directive it would be recommended that this action be dismissed without prejudice for failure to prosecute. (See, Id. at 3) (citing Fed. R. Civ. P. 41(b)).

That deadline has now passed, and Plaintiff has not paid the required filing fee. In fact, Craig has not communicated with the Court about this case at all since this Court's Order denying his IFP application. Accordingly, the undersigned now recommends, in accordance with the June 7, 20149, Order, that this action be dismissed without prejudice pursuant to Rule 41(b) for failure to prosecute. See, Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008)

(per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

Therefore, based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: July 23, 2019

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).